



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 1, 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed a response to questions arising from the appearance of Drug Enforcement Administration Deputy Assistant Administrator Joseph Rannazzisi before the Committee on December 4, 2007, at a hearing entitled "Electronic Prescribing of Controlled Substances: Addressing Health Care and Law Enforcement Priorities."

We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, reading "Brian A. Benczkowski".

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

Cc: The Honorable Arlen Specter
Ranking Member

**“Electronic Prescribing of Controlled Substances:
Addressing Health Care and Law Enforcement Priorities”**

December 4, 2007

**Questions for the Hearing Record
for
Joseph T. Rannazzisi
Deputy Assistant Administrator
Office of Diversion Control
Drug Enforcement Administration**

QUESTION FROM SENATOR WHITEHOUSE:

- 1. Please provide the best estimate on the time frame for issuance of a final rule by DEA establishing standards for electronic prescriptions for controlled substances.**

RESPONSE:

DEA recognizes the importance of establishing a rule to permit the responsible electronic prescribing of controlled substances (EPCS). During any rulemaking, multiple agencies have input into the process, which makes setting a hard timetable impractical.

DEA has provided the Department of Justice (DOJ) with a proposed rule regarding the electronic prescribing of controlled substances.

DEA is unable to accurately predict how long the DOJ review will last, but DEA does know with certainty:

1. The Office of Management and Budget (OMB) will review this Notice of Proposed Rulemaking (NPRM) pursuant to Executive Order 12866. OMB has 90 days in which to complete this review from the date that the rule is submitted.
2. Due to the complexity of this issue, the comment period is planned to be 90 days.
3. DEA cannot predict the number, nature, or complexity of the comments it may receive to the NPRM. Therefore, it is not possible for DEA to predict the length of time needed to draft a Final Rule in which it will consider all comments received and finalize the regulations. Nor can DEA predict the time necessary for DOJ to review the rule once drafted.
4. The Office of Management and Budget will review this Final Rule pursuant to Executive Order 12866. OMB has 90 days in which to complete this review from the date that the rule is submitted.